IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE JURISIDICTION

WRIT PETITION NO.6373 OF 2004

Smt.Rita Parshuram Jadhav ...Petitioner

Vs.

Vitthal Shankarao Uplap
and othrs ....Respondents

....

Mr.N.V.Walawalkar with G.H.Keluskar for Petitioner
Mr.A.A.Kumbhakoni with Tejas Deshmukh for Respondent no.1.

....

CORAM : B.H.MARLAPALLE,J.

DATE : FEBRUARY 7,2005

P.C.:

1. Heard Mr.Walawalkar, the learned counsel for the petitioner.

2. In R.C.S.No. 655 of 1995, the present petitioner-defendant had filed written statement on 18.11.1996. An application at Exhibit-124 came to be filed by the petitioner in the said suit on or about 7.6.2000 and the said application for amendment has been rejected by the impugned order dated 17.3.2004.

3. The trial Court noted that the evidence of the plaintiff was closed on 13.3.2000 and pursis to that effect was filed at Exh.115. Thereafter, the written arguments were filed at Exh.137 by the defendant and

at Exh.143 by the plaintiff. The reasoning given by the trial Court in rejecting the application for amendment does not call for any interference and more particularly, when the amendments sought to be incorporated were regarding the events which were prior in time to the date of filing of written statement.

4. Petition therefore, fails and the same is hereby rejected with a clarification that the order impugned would not come in the way of the petitioner in challenging the final decree if it goes against her.

[B.H.MARLAPALLE,J.]